

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re)	PROMESA
)	Title III
)	
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,)	No. 17 BK 3283-LTS
)	(Jointly Administered)
)	
As a representative of)	
)	
THE COMMONWEALTH OF PUERTO RICO et al.,)	Re: Dkt. No. 23292, 23061, 22847, 23035
)	
)	
Debtors.¹)	
)	

**WITHDRAWAL OF REQUEST FOR ORDER COMPELLING
REPAYMENT OF TAX WITHHOLDINGS**

By his counsel, the Fee Examiner appointed in these proceedings files this Withdrawal as a supplement to the *Second Supplemental Declaration of Katherine Stadler in Support of Tenth Interim and Consolidated Semiannual Application of the Fee Examiner and Godfrey & Kahn, S.C.* [Dkt. No. 23292] (“**Second Supplemental Stadler Declaration**”). The Fee Examiner further states that:

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the: (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and, (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) Puerto Rico Public Buildings Authority (“PBA”) Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

1. On November 11, 2022, the Fee Examiner filed the *Tenth Interim and Consolidated Semiannual Application of the Fee Examiner and Godfrey & Kahn, S.C., Counsel to the Fee Examiner, for Allowance of Compensation for Services Rendered and Reimbursement of Expenses for the Period from April 1, 2022 Through September 30, 2022* [Dkt. No. 22847] (the “**Tenth Semiannual Fee Application**”) requesting \$893,779.30 in fees and \$103.90 in expenses incurred for the period April 1, 2022 through September 30, 2022, and \$116,526.30 in previously withheld taxes.

2. On December 8, 2022, the Court issued the *Order Concerning Tenth Interim and Consolidated Semiannual Application of the Fee Examiner and Godfrey & Kahn, S.C.* [Dkt. No. 23026], ordering the Fee Examiner to clarify the basis for the tax refund portion of the Tenth Semiannual Fee Application.

3. On December 9, 2022, counsel to the Fee Examiner filed the *Supplemental Declaration of Katherine Stadler in Support of Tenth Interim and Consolidated Semiannual Application of the Fee Examiner and Godfrey & Kahn, S.C.* [Dkt. No. 23035] (the “**Supplemental Declaration**”) further outlining the basis of the tax refund portion of the Tenth Semiannual Fee Application.

4. On December 13, the Court issued the *Order Concerning Responses to the Tenth Interim and Consolidated Semiannual Application of the Fee Examiner and Godfrey & Kahn, S.C.* [Dkt. No. 23052], ordering responses to the Tenth Semiannual Fee Application and the Supplemental Declaration no later than 5:00 p.m. (Atlantic Standard Time) on December 13, 2022.

5. Also on December 13, 2022, the Fee Examiner filed the *Stipulation to Adjourn the Discrete Matter of Repayment of the Tax Withholdings in Connection with Their Tenth*

Interim and Consolidated Semiannual Application for Allowance of Compensation for Services Rendered and Reimbursement of Expenses for the Period from April 1, 2022 Through September 2022 [Dkt. No. 22847] Set for Hearing on December 14-15, 2022, Omnibus Hearing [sic] [Dkt. No. 23059] to allow Hacienda to evaluate requested refund of tax withholding and to allow the parties to seek a consensual resolution.

6. Finally, on December 13, 2022, the Court entered the *Order Allowing Tenth Interim and Consolidated Semiannual Application of the Fee Examiner and Godfrey & Kahn, S.C. But Adjourning Only the Tax Withholding Issue* [Dkt. No. 23061].

7. Subsequently, through counsel for AAFAF, Hacienda has informed the Fee Examiner that the taxes had been mistakenly withheld. Hacienda issued a full refund of the mistakenly withheld taxes on December 14, 2022. Godfrey & Kahn, S.C. now holds those funds in trust.

8. In light of the above, the Fee Examiner withdraws the request that the Court order a refund of withheld taxes. The adjourned portion of the Tenth Semiannual Interim Fee Application may be removed from the February 1, 2023 omnibus hearing agenda and the refund need no longer be held in trust.

Dated this 24th day of January, 2023.

WE HEREBY CERTIFY that on this date, we electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system that will send notification of such filing to all attorneys of record registered in the use of the CM/ECF system.

EDGE Legal, LLC

s/Eyck O. Lugo

Eyck O. Lugo
252 Ponce de León Avenue
Citibank Tower, 12th Floor
San Juan, PR 00918
Telephone: (787) 522-2000
Facsimile: (787) 522-2010
Puerto Rico Counsel for Fee Examiner

GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, WI 53703
Telephone: (608) 257-3911
Facsimile: (608) 257-0609

Katherine Stadler (*Pro Hac Vice*)

Counsel for the Fee Examiner